

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/419,070

Attorney Docket No.: Q5624.3

REMARKS

Claims 1-9 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 4, 5, and 7. Claims 1, 4, and 5 are amended to further clarify the invention. In addition, claim 4 is amended to broaden the scope of the claim and claims 5 and 7 are editorially amended to fix minor typographical errors. These amendments to claims 5 and 7 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents.

In addition, in order to provide more varied protection, Applicant adds claim 9. Claim 9 does not require any additional search as the feature of claim 9 was previously cited in the claim 4.

I. Claim Objections

The Examiner objected to claims 5 and 7 because of minor informalities. The claims have been revised and the claims as now presented no longer include the potential informalities mentioned by the Examiner. It is therefore appropriate and necessary for the Examiner to withdraw the objections to the claims.

Claim Rejections under 35 U.S.C. § 102

Claims 1-8 are rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 5,806,072 to Kuba et al. (hereinafter "Kuba"). Applicant respectfully traverses this rejection in view of the following remarks.

For an "anticipation" rejection under 35 U.S.C. § 102 to be proper, the cited reference must teach every element and recitation of the Applicant's claims. Rejections under 35 U.S.C. §

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/419,070

Attorney Docket No.: Q56248

102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Of the rejected claims, only claim 1, 4, and 5 are independent. Independent claim 1 recites a number of unique features including: "wherein the processing sequence of the recorded image data is updated by changing record location information of the record image data to record location information of another record image data." The Examiner alleges that Kuba's root directory is similar to the image data management file. Moreover, the Examiner alleges that Kuba's teaching of rearranging the sequence for reproduction is equivalent to the updating means, as set forth in the independent claim 1 (see pages 2 to 3 of the Office Action). Applicant respectfully disagrees. Applicant has carefully studied Kuba's discussion of the root directory which is not similar to updating the processing sequence by changing record location information to a record location information of another image.

In general, the present invention is related to changing the sequence of stored images in a digital camera. In particular, a user may wish to change the sequence of the images so that the later images precede the former images. To facilitate this, the digital camera has an image data management file stored separately from the image data. This management file stores a number of records, where each record has a processing sequence number of the recorded image data. The records are updated by changing the processing sequence of the picked up images without rearranging the sequence of the actual image data. For example, an image data management file may have a file name for each image data, a pointer for indicating a location in which the image data is recorded and also a start and an end position in which the image data is recorded. As a

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/419,070

Attorney Docket No.: Q5624::

result of this image data management file, updating the processing sequence of the recorded image data may simply be accomplished by changing the pointer to another pointer of another image data. This passage is provided by way of an example only and is not intended to limit the scope of the claims in any way.

Kuba, on the other hand, teaches storing image data in a hierarchical structure, thereby facilitating quick retrieval of image data for reproduction (col. 7, line 45 to col. 8, line 26). In particular, Kuba teaches storing dates and similar data in a storage area of IC memory card 14 in a header separate from the intrinsic image data storage 22 (Fig. 23(A); col. 21, lines 32 to 39). Kuba also teaches reproducing randomly stored image data in a date sequence by reading the header of each image data.

In Kuba, a root directory contains file names, which may be rearranged to alter the reproduction sequence. This root directory has file names, sequence numbers, links to other subdirectories, time and date, and attributes (Fig. 7, col. 15, lines 35 to 50). Kuba also teaches rearranging the sequence of reproduction without shifting actual image data in the data file areas by changing the directory entry sequence of the root directory (Figs. 30A-B; col. 23, line 66 to col. 24, line 11). Finally, Kuba also teaches that the reproduction sequence may be changed by physically rearranging records (Figs. 32A-C; col. 24, lines 22 to 42).

Kuba, however, teaches changing the reproduction sequence by either physically rearranging the sequence or moving records in the root directory. For example, in Kuba, file name may be rearranged to change the reproduction sequence of images. In other words, Kuba teaches modifying the reproduction sequence from the storage sequence by either physically rearranging data files or by rearranging records in the root directory e.g., by rearranging file

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/419,070

Attorney Docket No.: Q56248

names. In Kuba, however, the reproduction sequence is not updated based on the record location information. In other words, Kuba fails to teach or suggest updating the processing sequence as set forth in claim 1. In Kuba, there is no record location information that can be updated to change the processing sequence. Kuba requires either physical shifting of the image data or the physical shifting of the records stored in root directory. In short, Kuba clearly fails to teach or suggest modifying the update of the processing sequence, as set forth in claim 1.

Therefore, "wherein the processing sequence of the recorded image data is updated by changing record location information of the record image data to record location information of another record image data," as set forth in claim 1 is not suggested or taught by Kuba, which lacks having a processing sequence being updated by changing record location information. For at least these reasons, independent claim 1 is patentably distinguishable from Kuba, and it is now appropriate and necessary for the Examiner thus to withdraw this rejection of independent claim 1. Also, claims 2-3 are allowable at least by virtue of their dependency on claim 1.

Next, independent claims 4 and 5 recite features similar to the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 is respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, independent claim 5 is patentably distinguishable from Kuba. Claims 6-8 are patentable at least by virtue of their dependency on claim 5.

New Claim

To broaden the scope of claim 4, claim 9 is added. New claim 9 is allowable at least by virtue of its dependency on claim 4. In addition, claim 9 recites that there are two types of image data. For example, the image data stored in the memory of the digital camera could be of a

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/419,070

Attorney Docket No.: Q56248

"jpeg" image type or a thumbnail image type. The Examiner alleges that this feature is met by the root directory storing the date and type of production (page 5 of the Office Action). This ground of rejection is respectfully submitted to be technically inaccurate.

Kuba teaches the day and time of production of the file but these data are not similar to the data type. One of ordinary skill in art would understand that a type is a classification of data that tells the compiler, programmer, etc., how the data can be used, and which application will recognize the data. Kuba, on the other hand, teaches a time stamp placed on the file *e.g.*, when the file is created, modified, and so on. A time stamp, although it may be used to classify data, is not a 'type' as it fails to indicate which application will recognize the data. For at least this additional reason, therefore, claim 9 is patentably distinguishable from Kuba.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/419,070

Attorney Docket No.: Q56243

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Respectfully submitted,

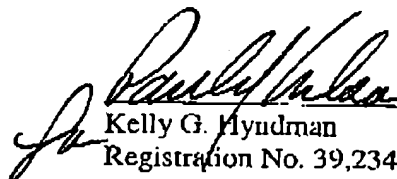
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